



# SOUTHERN MAINE REGIONAL PLANNING COMMISSION

The Council of Governments  
Serving the Municipalities of  
Southwestern Maine

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Stow  
Sweden  
Waterboro  
Wells  
York

January 4, 2005

Mr. Matthew Nazar  
State Planning Office  
38 State House Station  
Augusta, ME 04333



Dear Matt:

I am writing to you at the request of the SMRPC Executive Committee. As you know, SMRPC and our member communities have long been engaged in comprehensive planning. This includes communities as small as Sweden (pop. 250) and as large as Sanford (pop. 22,000). We have long been advocates for a sound system of comprehensive planning and then reasoned land use controls to follow. We are writing to highlight some concerns we now have with the existing program, concerns about the new proposed rules for the Growth Management Act and also concerns about the law itself.

In saying this, we want to stress the importance of the program, and the tremendous work SPO has done to effectively deal with issues related to sprawl and more efficiently guiding growth. Our concerns can be summarized as follows:

## 1. Existing program

As you know we are struggling here to reach the two-tiered goal of getting local plans approved (by the local legislative body) and then receiving a finding of consistency from your office. To date, only two towns in York County that have updated their plans in the past five years (Ogunquit and Alfred) have received both local approval and an SPO consistency letter. This is despite having 15-20 towns engaged in some type of comprehensive planning process during that time.

Our concern is that the bar has been set at unreasonable level for these towns. Staff has grown accustomed to saying: "You don't need a passing grade on your plan to get a consistency letter, you need an A+." Achieving this "A+" standard has proven exceedingly difficult for towns with limited budgets and volunteer committees. We are also concerned that SPO is recommending different types of density within these plans and acting as if these are legislative requirements. The same comment

also applies to the formulation of growth caps. We are unclear whether there is an official (meaning adopted) policy by SPO for towns wishing to have differential growth caps. Similar frustrations are evident in the debate over the use of the words "should" versus "shall" in implementation strategies.

## **2. Proposed Rules**

I know you have received comments from regional planners on the draft of the new proposed Comprehensive planning rules. In short, we believe they are too rigid and will likely have the effect of discouraging local comprehensive planning. Our suggestion is to actively encourage citizen and planner input on these rules, particularly from those who have been engaged in the process over the past few years—committee members, municipal planners and planning consultants. We feel there are numerous things to learn from the experience of citizen and professional planners that will result in better and more timely plans. I would point out that we say this, even though the proposed rules would not likely apply to the majority of our communities whose plans fall under the existing rules.

## **3. Principles of Growth Management Act**

Finally, and most importantly, we believe the time has come to address some critical aspects of the statute itself. We have come up with three ideas as a means of stimulating discussion.

### *Idea #1: State Funding for Regional Inventories and Plans*

We have calculated that our communities have spent more than \$400,000 in aggregate on comprehensive planning over the past five years alone. In the end, we estimate that 75% of plan inventories and probably 60% of actual plan language ends up being very similar for each town in the region. For about \$100,000, SMRPC could do a full regional inventory and plan—this works out to about \$2,500 per town in our region. Having this information assembled regionally would essentially take care of the following chapters of every plan:

- Demographics and Economics
- Housing
- Transportation
- Marine resources
- Water resources
- Critical natural resources
- Agricultural and forestry resources
- Historical and archaeological resources

The only sections that would need to be done mostly at the local level would be:

- Public facilities and services
- Recreation and open space
- Fiscal capacity
- Land use

Shifting comprehensive plan funding from the municipal to the regional level would save every town thousands of dollars and months (if not years) of work on plans. This would allow towns to focus on the specific issues at the heart of their plans and just adopt by reference the "incidental" inventory and plan elements done at the regional level.

*Idea #2: Make consistency a regional concept*

As it stands today, comprehensive plans in Kittery and Caribou must satisfy the exact same goals and review criteria at the state level. This model has resulted in a system in which many towns in southern Maine (which are growing much faster than the rest of the state) have plans that are deemed "inconsistent" with the goals of the Growth Management Act by SPO, while by comparison far fewer towns north of Portland have ever been deemed inconsistent.

A remedy to this problem would be to switch to the model used in Vermont—each region of the state completes a regional plan (that is reviewed for consistency by the state) and then the municipalities in each region must only meet the goals and standards of its own region, and not those of the state. Reviewing authority could either remain at SPO or be transferred to the RPCs (as is done in Vermont), but either way the standards would vary by region. We realize this is a fundamental shift in the program but one that has support amongst communities in our region.

*Idea #3: Change methods of adoption for local plans*

The Town Meeting form of government is often a source of frustration for those working on comprehensive plans for two key reasons:

1. Many voters come to the meeting or the ballot box knowing virtually nothing about the plan, which is an extraordinarily long and complex document leading to misinformation and misunderstandings part of the adoption process. Often when a plan is defeated at Town meeting it is almost impossible to figure out why since negative votes are based upon attitudes rather than specific objections.

2. If a plan is voted down in Town Meeting, many towns are reluctant to hold special town meetings due to the cost, meaning that the process is stalled for an entire year

A comprehensive plan is not a Town ordinance—it is a policy document. Other types of policy documents do not require adoption by local legislative bodies (i.e., Town Meeting). However, the Growth Management Act specifically states that comprehensive plans must be adopted by local legislative processes. A change to the Act to allow plans to be adopted by a Board of Selectmen would eliminate the two above problems, if a Town decided to use that option. Otherwise, towns could still send the plan to a Town Meeting vote. Another change would be to allow minor inconsistencies (such as to inventory sections) to be approved by a body other than town meeting. It seems counterproductive to wait nearly a year for another town meeting to change a section of a plan which has minimal impact on the policies or strategies that the community wishes to employ.

#### **Concluding Thoughts**

We are thoroughly aware of the limitations on your department. In fact, we believe some of our suggestions might actually lessen your workload and allow your staff to concentrate on important statewide matters. We would like to see an approach that seeks to gain input from the “bottom up” rather than the “top down”. In the end, we would hope that working together we could:

1. Clear up some of our questions regarding interpretation of the present law to achieve a greater number of consistent plans.
2. Have a well defined process for input into the new rules which respects local knowledge and concerns.
3. Provide meaningful input into changes into the existing Growth Management Act which provides for plans that are more efficiently developed and seek to further regional approaches to growth and development.

I hope that you are receptive to these suggestions and we look forward to discussing them with you in the near future. Thanks for your hard work—we know your plate is very full.

Sincerely,

A handwritten signature in cursive script that reads "Paul Schumacher". The signature is written in dark ink and is positioned above the printed name and title.

Paul Schumacher  
Executive Director

Cc Martha Freeman, Director Maine State Planning Office  
Ted Koffman, CPAC  
SMRPC Executive Committee

October 13, 2005

From: Clifton Comprehensive Planning Committee

To: State Planning Office

Re: 2005 Land Use Summit

Dear Stacy et al.,

We have reviewed the Land Use Summit Report and have given a lot of thought to “how can comprehensive planning be done better and easier?”. Our perspective on the issues comes from the particular problems (and successes) Clifton experienced over the seven year period from 1998 to 2005 it took the Town to get a Plan drafted, accepted by the State, and adopted by the Town.

We make the following observations.

#1 – The prescribed planning elements and criteria, while reasonably straightforward and relevant, were pretty overwhelming for a small town to accomplish in a reasonable length of time, with reasonable financial expense, and with average small town people resources. We were faced with two options. Do the job ourselves and risk loss of interest, discouragement, burn out and possible failure due to lack of expertise. Hire a consultant if we could get enough money together and risk losing control of the project and the Plan but possibly have a better Plan through the consultant’s expertise. We ended up doing a lot of both with a lot of mixed results, good and bad.

#2 – We found the SPO support of Clifton’s efforts to be a good experience. We got the financial and technical help we asked for. Communications were clear, concise and prompt. Our mistakes were to let the relationship between our committee and the SPO staff drop when we hired a consultant and to not have direct access by the committee to the packet material from SPO.

#3 – Regional Council support of Clifton’s efforts was a very bad experience. Our paid consultant was ill-trained and lacked facilitation skills. Technical assistance was of poor quality and was painfully and consistently slow to materialize. The Committee was perennially aware that Regional Council personnel were working at cross-purposes with SPO personnel. We failed for far too long to confront this issue hoping it would resolve itself. It didn’t.

#4 – Regional planning issues never got the attention they warranted. Town officials never were helped to understand regional issues or guided in developing specific strategies that would benefit Clifton. This seems particularly ironic since our consultant worked for the Regional Council.

#5 – Since many resources available to municipalities for helping to resolve planning issues are pretty much the same for everybody, we could have saved a lot of time – and consultant fee – had a ‘Resource Packet’ been made available to us at the outset. We would not have wasted space within each section describing programs and agencies. This sometimes-extraneous information would have been as helpful to us in a separate document and would not have distracted attention from the local focus we were trying to develop around each planning

element. [Although most state departments have very helpful and informative web sites, small towns don't have paid or even volunteer personnel with enough time to research the sites, glean the relevant knowledge, communicate that information to others and use it to advantage. A 'Resource Packet' organized around specific planning issues (or elements) would be very helpful during drafting and implementing Plans. So often we just need someone to point us in the right direction. To give us enough background information to help us define our local issues and formulate our questions.]

# 6 - The State can facilitate local ownership of the planning process and the planning product. This benefit can result from helping to empower municipal personnel. Key to empowerment are knowledge, understanding and control. Much of the time, local officials feel isolated from the state and from other towns. This isolation breeds misinformation, misgivings, distrust and inertia. The SPO can reach out to the local level with their newsletter. A consortium (right word?) of small towns working with each other with the assistance of SPO staff could help establish mutually respectful and supportive working relationships. Development of a 'Planning Tool Kit', including the aforementioned 'Resource Packet', might make a good collaborative project that would bring together local, regional and state people, encourage communication, understanding and a sense of control of the process and the issues.

#7 – The SPO could provide standardization while encouraging creative and unique planning and plans. Much of the relevant population, economy and housing tables and graphs based on census and other data sources could be faster and more economically produced by some centralized means and made available to the municipality to use. So that local or state money doesn't have to be spent replicating essentially the same table a bunch of times. Check lists and fill-in-the-blank forms could be fairly easily devised to facilitate compiling and utilizing public facility, fiscal data and transportation specifics. This would be simpler and quicker than narrative presentations. Some kind of interactive, interagency process for natural resources, recreation and land use would be helpful. Most small towns are interested in protecting their rural character and resources. Getting some of the relevant state people directly involved with local people could result in some really significant and reality-based strategies. (How empowering!)

#8 – Do not institute a hierarchy of planning or reviewing. Hierarchy implies a distinct division of issues and tasks. If the hierarchy of responsibility and accountability has a weak link the whole chain is weakened. This would lead to frustration, discouragement, failure or at least less than great results. Do institute minimum clear and concise state standards for addressing specific planning issues. This will help everyone to know what needs to be done. Towns can hold their consultants accountable if they don't perform.

#9 – Emphasize comprehensive planning and growth management as a dynamic ongoing process as well as a discrete finished product, the PLAN. The plan provides stability and direction. The process provides energy and motivation. A poor plan confuses. A poor process leads to lethargy and disaffection. In the extreme, poor planning leads to organized opposition by those who do have energy and motivation. (Yikes!)

#10 – A little more on state leadership and local control. Towns look to the State to show them how to do land use planning and regulating. Municipal officials don't look to the State to tell them what decisions to make. Many would argue that the State has enough to do to justify the decisions made at the state level without micromanaging every municipality. Give the local people help with educational materials, workshops, grants, expert advice. Help them develop their boards and committees. Be a consistent and supportive resource and the local decisions will come and will be all the better for having been made based on local facts and local circumstances. Help us make informed decisions. Don't tell us, "You write a plan and enact a zoning ordinance and we'll grade you when you get done. And oh by the way, don't be surprised if each state employee you talk to tells you something different." Most of us have plenty of aggravation already in our lives.

Thank you for all the help your office has given Clifton. We managed to arrive at this point with a somewhat positive outlook on going ahead from here. But we feel beaten up and worn out by the process. We will be skeptical of everyone and everything. We've lost our trust and innocence and maybe that's not bad, all things considered.

Suggestions for the contents of a 'Planning Tool Kit':

- Role descriptions and identifications; SPO, Regional Councils, Maine Planning Association, municipalities, academic entities

- A 'Resource Manual' with lists of departments, programs, contact info; lists of publications, consultants, etc.

- Self-assessment quizzes with annotated directions to sources which will give information needed to self educate; such as, 'Assessing Your Town's Planning I.Q.'

- Diagram trees for decision making

- Stepped programs for accomplishing tasks

- Templates for things like RFP's

- FAQ lists

- Relevant published articles, at least a list if not the whole text or summaries

- Educational and training courses, workshops, materials lists, overviews and descriptions

- Check lists for addressing specific planning topics

- Fill-in-the-blanks forms for addressing planning topics

- Online links, networks, updates, pose a question to the experts

- Peer review options

- An easily accessed online site with complete and up-to-date state and regional planning data, organized around the planning elements

Hey, if you're going to wish, wish big.



# **COMMENTS ON THE IMPLEMENTATION OF THE GROWTH MANAGEMENT ACT**

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Esther Lacognata

8/5/2005

## **INTRODUCTION**

These comments on State Planning Office's administration of the Growth Management Act are based on personal experience with the Act.

When I was Director of Maine's Coastal Program in the late 70's, we commissioned a study on how to deal with the cumulative impact of development. This was the first public attention to the slow degradation lake water quality, or wildlife habitat. The change is barely perceptible in the political time line and entirely outside the permit process. This problem was evidently not amenable to the regulatory fixes that have worked in the earlier stages of the environmental movement.

In the 80's, as Bureau Director in the Department of Agriculture and Rural Resource, I participated in the development of the Growth Management Act. Much of it was driven by the need to grapple with the cumulative impact of the uncontrolled commercial and residential development—aka sprawl on natural resources. Our interest at Agriculture was to control the threat of subdivisions to gobbling up farmland. The problem turns out to be more complex than that, but to some extent development certainly does threaten agriculture- and unfortunately agriculture and residences are in competition for the few remaining acres of favorable soils, both for growing crops and septic systems.

In the late 80's I worked with the Office of Comprehensive Planning to prepare criteria for reviewing the agriculture chapter of the plans. I also began reviewing, early plans completed before '92 and visited towns to assist them in addressing preservation of farm land in their plans

While I took voluntary time off under Governor McKernan's budget panic in 1990, I was part of a team at the USM School of Public Policy ( Now Muskie School) to evaluate the Growth Management Act. Of course it was way to soon. It is too bad that hasn't been done 10 years later.

Then since 1992 I have been the consultant working with Bowdoinham, Damariscotta, Bremen, Phippsburg, Wiscasset and now the Town of Bowdoin on their Comprehensive Plans. The first three went through the review process.

The following are my personal observations on the human reaction, those of the committee members and mine, to the administration of the Growth Management Act. Or my answer to "how does it play in small town rural , Maine".

# THE PRESENTING PROBLEMS

## The Review Letter from the State Planning Office

It is frustrating and discouraging after 3 years of meetings, writing, discussing, , editing, public forums, surveys, etc etc, to have the State Planning Office review comments littered with “**Inconsistent**”(s) (sic, in bold)

The comments were almost entirely focused on the first of 10 state goals of the Act:

*“To encourage orderly growth and development in appropriate areas of each community, while protecting the State’s rural character, making efficient use of public services and preventing development sprawl.”*

It was quite surprising and an eye opener to me when the Bremen Committee came away from a meeting with our State Planning Office liaison with the impression that the State Planning Office was an Economic Development Agency promoting (underline mine) growth’ That was the only way the Committee could understand or explain why the State Planning Office was insisting on a growth area, even though there is an ample sprawling one toward Bremen from the North in Damariscotta and Waldoboro.

## Environmental Values Trumped

The apparent perception that the Growth Management Act’s and the State Planning Office staff’s primary objective was to promote economic development. was particularly an eye opener for me because as noted above the initial thrust for the Growth Management Act emerged from the need to control the uncontrolled sprawling development which can diminish the value of our natural resources.

I believe a paper by Frank O’Hara and Holly Dominic on the Cumulative Impact issue was the immediate prod to the development of the Growth Management Act. I remember attending a series of meeting with Evan, John DelVecchio, Holly and Frank convened by Kay Rand who was with a Business and Industry group (whatever they were called) Our objective was to develop legislative proposals for “Growth Management” Program.

Through the years, the priority of protecting resources has somehow been trumped by the need to control sprawl by concentrating people into the Great American Neighborhood and encourage commercial growth to stay in town, downtown. I don’t really think this was “economic development” in fact I understand that it was intended to prevent sprawl into the rural areas. But, in the implementation of the ACT it IS the perception that counts; and it sure appeared that way to the folks in Bremen.

In Bremen and Damariscotta, I spent infinite (non-billable hours,) using the data provided by Department of Environmental Protection to calculate the phosphorus carrying capacity of each lake. Upon presenting this information ,even skittish residents leery about interfering with property rights, could see that development should at least be slowed if we were to protect the lakes. Imagine my disappointment when State Planning Office’s review just about totally ignored this documentation of

Towns that  
don't want  
to grow.

the cumulative impact of growth, and proceeded to insist that Bremen must find both a residential and commercial growth area.

The State Planning Office rigidly insisted on meeting the criteria of rules or statute (doesn't really matter which) for justifying not designating a growth area. IT didn't matter that if we eliminate watersheds (and there are 4 pond watersheds in the tiny town of Bremen) the rest of the area is severely constrained for development by salt water intrusion, valuable shell fish beds, and lack of soils suitable for septic systems---

We don't know how limited the ground water supply is, but should it require an expensive hydrogeological study to have the residents of Bremen clearly state that they do not want to grow? And no way does Bremen want a community septic system.

### **“We will work with you” Technical Assistance**

That was the promise, I remember. Real life? State Planning Office didn't respond to interim documents which I dutifully sent from Bowdoinham, and Damariscotta. By the time I got to Bremen, I was selective. There were no visits, the only time my committees saw State Planning Office staff was in response to the already sent review letter. (Even if it was in Draft form, it had a very solid feel to it- the bold “Inconsistencies”).

My impression is that towns don't even think of asking State Planning Office because they associate State Planning Office with the reviewers and source of money.—It seems the attitude is be careful what you ask, it may be used against you. They rely on MMA, who have no planners on staff but good municipal lawyers with expertise on land use law.

### **Implementation?**

My experience is that even the best of plans don't get implemented. Certainly not according to the schedule, required by the State Planning Office. In one case ( not one of my plans) the Town of Bowdoin, slipped the beautifully formatted, politically correct, and accepted by the State Planning Office as consistent plan into the warrant- The Town passed it in '92 or so, then next year they “unadopted” (their word) it, when they realized what was in it. I don't know what went wrong there, but I don't believe there was much community buy in.

Even the most politically correct plan, done by Mark Eyerman for Richmond has not been implemented at all. They hired Mark to help them change their ordinances pursuant to the Comprehensive Plan, but did not follow through because they ran out of money- The ordinance is now a total mess which they have to hire another set of consultants (us) to straighten out. 13 years after the adoption of a very good comprehensive plan.

What's the status of the plan in Bremen? After waiting for 9 months for the review from State Planning Office, and two more months to negotiate, the committee ran out of money, and steam. A year later they decided to hold public hearings, make a few

changes pursuant to them, and go to Town meeting. The Plan was adopted almost unanimously. As far as I know they are still thinking weather to submit to the State Planning Office.

The process- the writing ,the reviewing and the negotiations- is so time consuming that by the time it comes to implementation some members of the Committee have died or are totally burned out.

## **Public Involvement**

One doesn't get the impression from the written comments that the State Planning Office even read or was interested in public opinion. Instead the public perceives the State Planning Office is out of touch with and overrides their explicit opinion. This communicates the non too subtle attitude that "the public" doesn't know what's good for them and they have to be educated".

Consider the all too human response to the much awaited response letter, with a naïve hope that we would be genuinely commended for our efforts we get **inconsistent** screaming at us No questions asked about how and why, the message is, "you are wrong" you don't measure up, you didn't meet the standards

The State Planning Office and Bremen also clashed repeatedly because they have a growth control cap and are refusing to designate a growth area. The recommendations for no growth area reflects the majority public opinion which was not only clearly stated in the survey but validated by repeated votes upholding the Growth Cap at Town meetings.

## **II. ISSUES OF CONCERN**

### **Leadership vs Imposition of an Agenda**

Somewhere in the last 30 years the mission of the State Planning Office has changed from enhancing, supporting, building the planning capacity of the Towns to advocacy for smart growth.

I have a hard time discerning the difference. It goes into advocacy when State Planning Office insists on the outcome, regardless of the "findings" in the inventory and analysis sections. The State Planning Office knows exactly what each town plan should look like. They each **MUST** have a growth area and a rural protection area.

Now I know, and I have seen some plans that are totally inadequate. Ironically they are impaired because they start with the conclusion, and reflect the attitude unmodified by the planning process. In the case of many towns, it is protecting property rights that are their passion. We all too easily label this as the arrogance (or ignorance) of the political right... But in either case the recommendations are not based on thoughtful consideration of what is right and in the public interest of that community. This prejudging the outcome results in a plan that is not functional. It is neither a blue print for guiding growth nor does it help them anticipate and prevent the negative impact of uncontrolled growth.

**Inconsistency** does not make sense to the folks because they do not understand what it is they are inconsistent with. The message has not reached them or as in 4 of the 6 towns

they were/are in denial about sprawl. . The other two, Wiscasset and Bowdoin, restarted around 2003, do see the handwriting on the wall and are now struggling to spread that vision from the Committee to the townspeople.

Perhaps the issue is how to bring the community along so they buy into the problem, before we foist solutions on them they are not ready for. Forcing it from above will only lead to resistance. ( We saw this with the Coastal Program in 1977, in that case it was the Feds who were pushing the issue.) Intentionally or not, by pushing its own solution to growth, the SPO, supplants the town's priorities. In Damariscotta, in spite of receiving an implementation grant and working on watershed protection ordinances, the ordinance was never put forward by the PB Chair. It wasn't high enough priority.

Unfortunately, it will take a lot more environmentally damaging sprawl to overcome this stubborn resistance. It appears that we have not been successful in waking up the communities outside the immediate suburbia so they would become more receptive to the solutions.

My sense is that the Smart Growth agenda, even though it IS rational and correct, and I do agree with it, - is academic, theoretical. It is not yet connected to our actual rural culture. You cannot force or accelerate changes to human wants and often quite passionate desires. In some ways this can be looked at from a social psychological point of view. We humans see "Inconsistent" as finger wagging, with all the attendant reactions to that.

## **What about the Other Nine Goals?**

The Growth Management Act has 10 State Goals. Indeed, a plan, in order to be comprehensive, needs to address all the issues in town, water quality, affordable housing, fishing, water access, harbor management, municipal facilities and fiscal policy. The planning process has to address all State goals plus their own goals and reconcile conflicts among them.

Perhaps because other State agencies with the notable exception of the Maine Historical Commission, appear to give only superficial review of the plans, the SPO who is charged to implement the GMA is the only one that really studies these plans. There may be many causes for this lack of interest among other state agencies including lack of funding for the reviews, but there is no question that a land use planning agency like the SPO even without its advocacy for "smart growth" will tend to give undue focus to the Future Land Use Plan.

This is where the often heard "one size does not fit all" complaint comes in. In Bremen concentrating growth in the remaining areas, even if the soils are suitable, which they often are not, disregards the importance of keeping density light or even limiting growth in the watersheds of the lakes or overdrawn or salt water compromised, ground water areas.

It does appear that the protection of environmental resources, wildlife habitat, lake and ground water quality have become lower priorities- readily traded off for the Great American Neighborhood. Which, by the way has taken on the role of *Deus ex machina*—the solution to all our problems. In some communities clustering or the Great American

Neighborhood is just not needed, wanted or is inconsistent with the rural character or already threatened natural resources.

In short, I mourn the apparent loss of the original intent of the GMA, to manage growth, to prevent the cumulative impact of growth overcoming the carrying capacity of our natural resources. This problem has not been solved, in fact it is getting worse.

### **Middle Aged Bureaucracy**

Sometimes the nine month review time and the 100 pages of proposed rules reminds me of Alexandria- or more prosaically a bureaucracy gone middle aged.

Even though the rules are too detailed they are still subject to arbitrary interpretation in accordance with the most recent court case or article in a Planner's Journal. For example, why is the State Planning Office so against growth caps? Growth caps are not in the rules as far as I know. Where did that come from? If the Town votes them in, and if it was in their comprehensive Plan, let the courts decide. State Planning Office does not need to protect the towns from court cases.

How did this process become so unwieldy? Unfortunately to do a comprehensive Plan right, addressing all 10 goals, it takes a consultant at least \$30,000. If it is to be done right with public involvement the Town process takes at least two years. Most selectmen and Townspeople just don't understand why it should take so long, and get very impatient with the whole process. It shouldn't have to be so complicated. Either the towns don't have the money or it's not done to the quality expected.

Then why does it take 9 month to review the plans?? I think the rules are too rigid, too detailed and the SPO is too inflexible. What horrible mistake the towns might make justifies all this attention to detail?

Why don't some very good plans get implemented? Because the Comp Plan committees are burned out, ditto the consultant whom the town has long run out of money to pay. The Comp Committee itself can't wait to retire, and after the arduous process, what volunteer would be willing to get involved in the implementation process.

My experience is mostly with small towns <3,000. The complexity, the cost, the review process, are out of scale with the rural communities in Maine. The program has grown into an impersonal anonymous bureaucratic fully blown program which may be appropriate in Montgomery County, Maryland or even the Greater Portland Metropolitan area—but not in Bremen, population 794, or Phippsburg, year around population 2,150.. If we can't put it in terms understood over coffee at the local breakfast hang-out, we are not communicating.

In short, the planning process is too complex, too consultant dependent, too impersonal and takes way too long. Any irons in the fire that were hot when they finally decided to tackle preparing a plan, has long gone from embers to ashes.

### **Technical Assistance- Building the Planning Capacity of Towns**

Instead of offering neutral, bias free material, the only contact the towns have with the State Planning Office is either hearing speeches promoting "Smart Growth" or the negative review process much documented in this paper. When is the last time that the



Director of the State Planning Office spoke about the importance of planning and what functions planning performs for the community?

There just doesn't seem time to devote to quality technical assistance. The data that was put on discs and sent out 2 years ago was totally useless for laymen and even me; I didn't have the software to use it even though I have windows XP. When I called the Information Services Division the person told me, I wasn't the first one that couldn't use the data. The notebooks sent out with hard copy data were useful.

I know the RPC's are supposed to be the source of technical planning assistance Having worked for MCBDP (The Mid-coast council for Business Development and Planning) From November of 2000 to September 2001, I can say from experience there isn't adequate money to cover the region with TA, especially not if the planner is asked to be the local contact on behalf of the State Planning Office. At least 1/3 of my time was spent doing State Planning Office's bidding on behalf of its smart growth initiative with another hefty chunk doing progress reports for State Planning Office on how we spent the grossly inadequate money.

In the Sagadahoc/Brunswick, Harpswell region at least, while there is an excellent Regional Open Space project, there is no planning assistance. Yes, workshops are given, occasionally, usually by MMA, organized by the RPC, but those are limited- There isn't enough money to give the Towns the kind of "circuit rider" planning assistance with mundane things like subdivisions, site reviews and ordinance work. There is a gap in the planning capacities of small towns who don't come close to being able to afford a planner

### **Procedural Issues**

The Administrative Procedures Act as well as due process should require that the decision making on the acceptance of the plan should be made by a Board not a SPO staff. There should be hearings where the Town can present its case and an appeal is available for disagreement with the SPO staff decisions. :

I understand the rules have been re-written by an ex SPO staff person. There were no requests for input from practitioners in the field. Although I asked repeatedly to have a chance to participate, I only heard about the rules from the RPC's who apparently were the recipients of drafts. I still haven't seen the proposed rules. Hearsay has it that they are about a 100 pages long.

### **III. SOME SUGGESTIONS/SOLUTIONS?**

So is this process so far broken that it can't be fixed? Some think so, I don't. Is it a matter of changing attitudes, or operational procedures, the law or the rules? I say all of the above.

I propose that you pay more attention to the planning process, and support it than to the product. When I was a freshman at Queens College in New York City, I was fortunate enough to have Bonish Hoffman, a noted physicist who had taught at Princeton, teach freshman Calculus in his retirement. He told us he didn't care about the answer; it was our thinking process, that he graded us on. Try that, Why not?

I hope these comments will be taken in the spirit they were offered- with optimism and hope that the State Planning Office wants to and can change. I hope you will be

able to go back to a *tabula rosa*- Look at what your objectives are and work with the Towns and the RPC's as equal partners.

- ◆ Instead of the 100 pages of detailed, specific rules- which brings on sleep to even read, and even the law which has grown like all well intentioned statutes over the years, keep the 10 State Goals, ask them to d gather data, analyze and base their plan on the data and public input.
- ◆ Develop a Check list to see if they town has addressed the goals, plus their own, and then give them a big Check mark✓-positive reinforcement for their accomplishment.
- ◆ If it is a disaster don't put tell them in writing. Come down, have an informal hearing where people are invited to discuss their plan, what they want, and you listen. You may suggest how they can improve their process so they get their check marks AND achieve their objectives. .
- ◆ Somehow there needs to be a Comp Plan Lite- something simpler they can do themselves
- ◆ The gap between perceiving a problem and implementation needs to be shorter. The newer guidelines for Updates are on the right track. What would be wrong with addressing the goals one at a time and going all the way through to implementation? I know all the goals are inter-related, but using the focus of one goal, bring in the data and other goals where relevant to thegoal being addressed.
- ◆ Then if there are milestones, like adopted pieces of the Plan have a celebration, bring the Committee up to Augusta, have their picture taken with the Governor- to congratulate them on a job well done. That should help with the social psychological problem.
- ◆ Hand over advocacy to Smart Growth, or Friends of Midcoast, or any other organization- it's the sort of thing that non-profits, non state people should be doing
- ◆ Since these are quasi-judicial decisions, there should be a due process with notice and public hearing, and a Board, staffed by State Planning Office that makes these decisions;and there should be an appeals board.
- ◆ The changes in the Act and the Rules should be an opportunity for widespread discussion, hearings all over the state – All Planning Boards, Comprehensive Planning Committees, past and present, as well as consultants should be invited.
- ◆ In reviewing their plans look to see if they have developed a workable plan, with action steps to manage the growth they can predict from the data.
- ◆ Ask them to submit interim reports. If staff was not so tied up writing critical tomes, and the review process was simplified to a check list, then the liaison person could call up the Chair of the hard working Committee and ask some questions. (Do not call the consultant- that just puts us in the middle makes



us feel more powerless). Find out what the issues are, what the constraints are, Let them tell you.

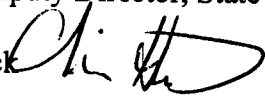
- ◆ RPC's should be given more money and independence- Don't hold them on such a tight leash, let them offer technical assistance on all planning issues as well as on doing plans. Give them their independence. After all the RPC's are staffed by professionals at least as highly credentialed and experienced as the State Planning Office staff. Simplify the contract with them too. You might find the contract we had with the RPC's back in 1978. It worked, I don't remember the RPC's doing anything outrageously wrong or "inconsistent" with then the Coastal Zone Management Act.

These are complex problems, in need of creative multifaceted solutions. The people who volunteer their time on the town level are already committed to the public interest. I have very much enjoyed tapping their wisdom and working with them. I firmly believe, if you free yourself from the burdensome rules, you too will find much practical wisdom in creating workable solutions which, given the tools, they will implement.

December 28, 2005

TO: Sue Inches, Deputy Director, State Planning Office

FROM: Chris Huck



RE: Comments concerning potential changes to the Growth Management Program

As a professional planner in Maine for the past 20 years, I have seen a lot of local comprehensive planning. I participated in initial drafting of the Growth Management Act. I assisted the original Office of Comprehensive Planning in the drafting of its rules, and have been the Growth Management Planner for my regional council since 1988 (SMRPC and KVCOG). During that time, I have written all or portions of 22 local comprehensive plans and supervised staff that have written another 13.

I have put considerable thought over the past few months – and certainly prior to that – into the merits and deficiencies of our growth management program. But I have not been asked to take a role in SPO's review of the program (other than a discussion limited to regional approaches at the last coordinators' meeting), and at this late date it does not appear that I will be. So I would like to take this opportunity to submit comments on my own.

Though I am tempted to recite a litany of complaints, I would prefer instead to focus on just two points. The first has to do with the SPO role in determining consistency of comprehensive plans.

As you know, the law authorizes the SPO to review local comprehensive plans for "consistency with the goals and guidelines established" by the law -- requiring review for towns with a planning grant, but optional for non-grantee plans. Subsequent amendments and policy changes have tied state grants and capital investments to SPO's finding of consistency, raising the significance of those reviews.

The original vision for the review was as a short cut to judicial review – a mechanism so that towns would not have to fight in court every time someone disagreed with a plan. The legislature intended plans to be "consistent with the goals and guidelines of this subchapter," but not, I believe, for the office to be creative in what that meant.

What would a court do if asked to rule on consistency? The November, '05 issue of APA's Zoning Practice says it better than I could. In his article entitled *Let the Courts Guide You: Planning and Zoning Consistency*, attorney and professor Brian Ohm states:

When courts review cases for consistency, the review is not intended to second-guess the merits of the policies that appear in a local comprehensive plan. Judicial review is focused on compliance with state law. . . does the comprehensive plan comply with the applicable procedural and substantive legal requirements? For example, if state law requires that the plan include a housing element, does the plan, in fact, have such an element?

assistance, financial assistance, program evaluation and, of course, amending the law if these measures are insufficient. I believe I heard these suggestions repeatedly during last summer's Land Use Summit, where more than one group suggested that SPO reallocate resources away from reviews and into technical assistance.

If the Rule were to be scaled back, reviews could be performed more efficiently, with less room for ambiguity. SPO would still be free to add professional comments and suggestions, but these would not stand in the way of consistency. A "judicial standard" would also allow others to make a determination of consistency: town attorneys, regional councils, or MMA. (The law does not give SPO a monopoly on consistency rulings.) This could remove a burden on SPO's workload. In fact, a good "reality check" would be if a rewritten Rule could easily be understood and applied by a non-planner.

The second point that I would like to focus on is the promotion of smart growth practices. As you may guess from my previous sentiments, I do not believe that SPO has the authority to force smart growth ideas into local comprehensive plans. There have been indications in the past few years that reviewers, either individually or as a team, have taken smart growth techniques or principles and pretty much made them the standard for review, without even changing the Rule. But I digress.

My experience has taught me that smart growth in Maine simply cannot be done town-by-town. Yes, towns can adopt smart growth techniques, but *individually*, they will be ineffective. The analogy I would use is a developing commercial strip. An efficient site design means sharing curb cuts, linking parking lots, cooperation on utility extensions, etc. But local planners know that it is virtually impossible to get separate developers, working their own timelines, with their own design concepts, to cooperate on a plan that is most beneficial to all.

Smart growth will continue to be viewed as futile until approached as a collective endeavor at a scale large enough to count. Growth is like that commercial strip – generally oriented towards a service center, but flowing out in all directions without regard for municipal boundaries. Very few towns can work both ends of the smart growth equation – preserving natural resources and a resource-based economy at one end and creating vibrant urban centers and affordable housing at the other. We will only see results once we've acted at a regional level.

Now, I am not just saying this because I work at a regional planning council. In fact, I tried to stay out of the regionalism discussions at the Land Use Summit, to avoid the appearance of promoting my own business.

I believe that the SPO, probably through legislative action, should develop a new model of planning for smart growth, to include regional planning and a framework for interlocal smart growth agreements. I probably should not refer to these as "new models" – towns and regional councils have been doing this for decades. Nor would it be too much of a stretch to go from the law's current authority for "regional policies" to one of regional plans. What would really be new here, would be in linking them more strongly to local plans.

Is this what the SPO's current review process does? Certainly not. A judge would *not* substitute his judgment for the town's as to whether a plan will *adequately* manage growth. Yet, that is exactly what SPO does. The Rule was developed by professional planners (including myself) as instruction to citizen planners on how to do a "good plan," but it goes well beyond the standard a judge would apply. I could cite many examples.

This problem with the Rule is exacerbated by reviews, as SPO continues to try to "raise the bar." Reviewers, with good intent and justification, reason that towns with greater growth pressure, or those who are updating rather than starting from scratch, should meet a higher standard of planning. This is true, but the law does not provide for it.

The result is criticism of SPO for applying the standards unequally and being arbitrary. This need not be the case. If the SPO were to review plans according to the legislative standard "consistent with the goals and guidelines of this Subchapter," *rather than using the Rule to set its own standard*, this would pre-empt most of that criticism.

Having seen a lot of SPO reviews, I would say that most of the inconsistencies address what I would call cosmetic errors: some omission of data, analytical point, or poorly phrased strategy. These "no-brainers" are remedied by tweaking a sentence here, adding a paragraph there. The changes never materially affect the overall plan, and usually elicit remarks from the committee along the lines of "how could the SPO be so petty?"

Other inconsistencies are more what I would call "professional disagreements." Comments generally begin with the phrase "The plan fails to adequately provide for . . ." (In a review received at KVCOG just yesterday, five of SPO's eight objections used the terms "adequate" or "effective.") In essence, the reviewer is telling the town that SPO doesn't think they did a good enough job. As a professional, I am usually inclined to agree, but that does not obscure the fact that SPO exceeds its statutory responsibility by making a judgment call on a planning element.

This is the point at which most towns say something like "well, screw them, we know what will work in this town, we don't need the State dictating to us." And that points up a more fundamental conflict -- in promoting planning, SPO is a strong advocate for an inclusive, visionary, local process. But if a town wants a consistent plan, the results of that process do not count. Only SPO's standard for good plans counts.

The solution, I believe, is to scale back the Rule to mirror only the required elements of the law -- the "judicial standard" -- and not to use it as a tool to achieve better plans. This would require scrapping most of the language, especially that which requires interpretation; it would result in a greatly simplified Rule.

Now, I anticipate that the response to this would be the question "well, how do we get to better plans if not through reviews?" The short, flip answer is that you don't -- the law doesn't require you to, nor does it require the towns, except in a few specific instances (e.g. affordable housing) to meet a qualitative test. But the better, more defensible answer is that the law permits, in fact requires, several avenues to improve the quality of local plans: technical

Based on some suggestions that I heard at the Land Use Summit, I envision a system of regional plans within the framework of the ten state goals. Each regional plan would contain data and analysis detailed enough to substitute for town plans – thus reducing the cost and need for every town to do data collection on its own. They would also contain policies and strategies that towns could accept as a package or not, and this would be the tricky part.

Regional planning has always been a lightning rod among “home rule” believers. Thus, a regional plan would have to be framed to give a town several options (the “new model.”) Towns could adopt policies and strategies in the regional plan directly, without further need for local planning. Or, local plans could incorporate the regional plan “by reference,” or choose to ignore it, or choose to do more. If a *regional plan* is approved and found consistent, then towns could be guaranteed a consistent *local plan* simply by endorsing the regional plan and buying into whatever interlocal agreements were appropriate.

Rather than a single regional plan, however, I think a set of separate, but well-coordinated planning elements would be appropriate. That is because for each of the planning areas, a different mix of regional and local planning is appropriate. For example, when it comes to designation of growth areas and land use regulation, a regional plan would be very superficial, because of our long history of home rule and because land use authority has traditionally vested in municipalities. For affordable housing or watershed protection, however, regional policies and strategies would be very detailed.

I am trying to envision a system where a regional entity would prepare a range of plan elements: detailed ones related to economic development, housing, recreation, resource protection, and agriculture, for which municipalities could simply checkoff; and others, such as land use and public facilities, limited to data, analysis, and guidance documents. Obviously, I don't have all the answers here, but you get the idea.

I would not suggest that regional councils have the exclusive prerogative to write these plans. I was part of the *York County 2000* planning initiative back in the mid-80's, and there were entire working groups not staffed by SMRPC. This would be an opportunity to strengthen watershed associations, corridor committees, and many other regional entities. In this area, for example, KVCAP could write a very good housing element.

I anticipate that people will balk at regional planning because of the novelty and also because of the cost. One detailed regional plan for housing would be a lot cheaper than 40 or 50 local ones, but you will not see that savings up front. It does not need to be all new money, though. MSHA could be approached to contribute to the housing plans, DECD and the federal EDA to economic development plans, DMR to marine resources plans. These agencies may find value in having eight or ten detailed regional plans over hundreds of local plans of varying quality and timeliness.

I hope that my comments prove to be of value to you, and are not too late to be thrown into the mix. I do not envy the SPO its task, but wish you the best of luck. Thank you for listening to me.

Tom Martin's comments: January 11, 2006

## Growth Management Evaluation

### Summary of Recommendations

January 6, 2005

*Note: The broad recommendations below are for discussion purposes and are intended to establish a general direction for the more detailed recommendations to come. The final recommendations to the Natural Resources Committee will include both short term transition strategies and long term strategies.*

#### I. Enhance Local Planning and Build on the Successes of the Growth Management Act.

- a. Provide Towns and Regional Agencies with Better Tools, Data and Assistance
- b. Shift Emphasis from Plan Writing to Implementation
  - i. State review
  - ii. Existing incentives

Track Growth and Monitor Progress

#### II. Move Towards Regional Planning

- a. Create Regional Planning Districts Based on Labor Market Areas
  - i. Develop Regional Plans using a SWAT team approach: a coordinated effort with state agencies, regional councils and towns working together to create a regional plan
  - ii. Pilot Two Regional Plans to start, if pilots succeed, cycle through 2-3 Regional plans each year
- b. Coordinate State Investments based on Regional Plans
- c. Give Regional Plans Some "Teeth"
  - i. Local support and compliance
  - ii. Incentives
- d. Implement a Broad Model for Reviewing Large Capital Projects with Regional Impacts
- e. Create an affordable housing study group to develop recommendations to tie-in with regional planning as described above

**Comment [TM1]:** The regional councils could have a role in building regional components of the data packages regarding key services, demographics et al. For tools a top priority should be assuring that technical assistance products such as model subdivision ordinances, site plan, special zoning provisions et al remain up to date. For example, the mobile home park manual is approximately 16 years old, the subdivision model is ten years old, the Michaud Planning and Land Use Law booklet does not reflect the last legislative session.

**Comment [TM2]:** One of the big obstacles to smart growth is fear of intrusion on property rights/ property values and fears that instituting conservation restrictions has a negative impact on the tax base. Reports addressing these issues would be helpful, but they would have to be as unbiased as possible. Some buy-in from MMA would be helpful.

**Comment [TM3]:** The plan review process would be enhanced if there were greater balance in the depths of reviews by various agencies. Since tax expenditures are a key issue, it would be helpful to have the state agencies involved in the key budget municipalities. ... [1]

**Comment [TM4]:** Why are current regional council boundaries deemed inappropriate for regional planning?

**Comment [TM5]:** We have two examples of regional plans, the old regional elements done in the mid to late 1970s and more recent efforts in New Hampshire

**Comment [TM6]:** Have the pilots focus on the most popular issues, for example transportation or energy elements. Then gradually build support for other, more controversial elements. Be sure to have the EDD's at the table. ... [2]

**Comment [TM7]:** We would need to factor in the staff time required for effective outreach to assure that regional plans actually reflect the region's needs and goals.

**Comment [TM8]:** School and transportation funding are key incentives since both have a strong regional component in more rural areas.

**Comment [TM9]:** There are plenty of examples of DRI (development of regional impacts) methodologies from other states. The more sensitive topic is revenue sharing if there are regional service impacts.

**Comment [TM10]:** Yes! Very important and there is presently no real support for such efforts.



**Inches, Sue**

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**From:** Nazar, Matthew  
**Sent:** Monday, August 08, 2005 11:14 AM  
**To:** Land Use Planning  
**Subject:** FW: UMO/SPO conference

Thoughts from Dan on tomorrow's conference...

\*\*\*\*\*  
Matthew Nazar, Director  
Land Use Program  
State Planning Office  
38 State House Station  
Augusta, ME 04333

vox: (207)287-4818  
fax: (207)287-6489  
web: <http://www.maine.gov/spo>

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**From:** Dan Fleishman [mailto:dfleishman1@adelphia.net]  
**Sent:** Monday, August 08, 2005 10:54 AM  
**To:** Nazar, Matthew; Dzenis, Ruta  
**Subject:** Fw: UMO/SPO conference

Matt & Ruta,

Here are some quick thoughts that I would bring up if I could come to Orono tomorrow. I had put them together in response to an inquiry last week if I was going to attend.

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Dan Fleishman, Town Planner  
Town of Arundel  
468 Limerick Road  
Arundel, ME 04046

Voice: 207-985-4201  
Fax: 207-985-7589  
----- Original Message -----

**From:** [Dan Fleishman](#)  
**To:** [Gary Lamb](#)  
**Sent:** Thursday, August 04, 2005 11:27 AM  
**Subject:** Re: UMO/SPO conference

I can't afford to be off the farm overnight at this time of year and its too far to go for the day.

I could write a complete book on my issues and suggestions for changes, but will refrain, for your sake as well as mine. Very generally, I think that this review process needs to look at three completely separate issues:

1. What changes need to be made to the statute?

There are statutory changes that I have suggested in the past and would still recommend, but I am probably a small minority that support them. To a certain extent I would like to see portions of the statute to go back to the

8/8/2005

way they were written in 1987 when first enacted.

Under today's statute, it says that any town that want to regulate land use must have an acceptable comprehensive plan, and the statute defines what constitutes an acceptable plan, even specifying the policies a town must adopt. I would suggest a different tact, and say that in order to have zoning (and maybe some other land use regulations as well), a town must have a comprehensive plan and have the statute specify the information that must be included in the inventory and analysis and the issues that must be addressed through a set of policies and implementation strategies, but not dictate what the policies are. For instance, rather than saying that a town must specify growth areas and rural areas, say that the plan must discuss the desirable patterns of growth; rather than saying that coastal town must preserve a working waterfront, say that they must have policies on the future of their waterfront.

Then I would set a higher bar for municipalities that want to establish a deeper level of land use controls (impact fees, rate of growth ordinances, tdr, etc.) and/or who want to be *eligible* for certain categories of state fundings (CDBG, LFMB, discretionary DOT, economic development aid, etc.) These municipalities would have to have comp plan that looks something like the requirements in today's statute, in that the Legislature is directing municipal policy. I take this approach not as providing carrots and sticks to municipalities to get them to do what the Legislature wants them to do, but as a mechanism for wiser investment by the state in municipalities. Banks don't lend money to businesses that do not have a business plan because they know that business that plan are more successful and the banks' investments will yield higher returns. The state should only be investing in municipalities that have municipal plans because (if they implement their plans) will be more successful and the state investment will yield higher returns.

Third, like today's statute, I would provide *preference* for municipalities that not only have acceptable plans but also implement them through land use controls and capital improvements programming, as in the current certification process. However, I would make the benefits of certification more meaningful to provide a stronger incentive for towns to obtain certification.

Finally, if the Legislature feels strongly enough that preservation of agricultural land, work forests and working waterfronts are important enough issues, then they should enact regulations to protect those resources rather than telling towns that they have to do the job. The Legislature has decided that wetlands, mountain tops above 2,700 feet and wildlife habitat are important enough of a statewide resource that they have "protected" them under the NRPA. The same should go for the resources that the comp plan statute indicates that towns need to protect.

That's the basic philosophical change in statutory approach that I would take. There are dozens of details that I would change as well.

## 2. What changes need to be made to the SPO Rules?

I think that SPO's Rules are probably on target, except that the statute has changed in the past 15 years and the Office has not updated the Rules to reflect those changes. I don't think that I would make many substantial changes to the rules except perhaps to provide some opportunity for a real appeal process of SPO staff decisions. Appealing staff's decisions to the director is useless.

About a year ago, SPO circulated a draft of changes in the rules. While I support an effort to promote "better" planning, the draft was too dictatorial in process and results to be acceptable. The planning process must be locally driven if there is going to be any chance of success. We can't demand that people plan and tell them the results of their planning. There must be room for a municipality that goes through a valid planning process and comes up with the "wrong" answers. If the consensus in Kport is that the town is better off with Cape Porpoise looking like Dock Square than having loud-mouthed smelly fishermen hanging around, why should the state interfere with that?

## 3. What changes need to be made in the way SPO administers their Rules and reviews plans.

I don't have answers, but the biggest issues I have faced in the past fifteen years or so is that the SPO review has raised issues that really aren't relevant in the municipality (inadequate discussion of public parking in Brownfield) or tries to impose policies that not supported by statute or rule (building permit limitation ordinances).



That's about all I have time to write, as I have to get a planning board packet prepared for next week's meeting.

Oh yeah, I suggest "We Shall Overcome." Have a good time on the old campus.

-----  
Dan Fleishman, Town Planner  
Town of Arundel  
468 Limerick Road  
Arundel, ME 04046

Voice: 207-985-4201

Fax: 207-985-7589

----- Original Message -----

**From:** Gary Lamb

**To:** 'dfleishman1@adelphia.net'

**Sent:** Wednesday, August 03, 2005 11:22 AM

**Subject:** UMO/SPO conference

Dan,

It appears neither Judy nor you will be attending the warm and fuzzy SPO conference on August 9 and 10. I would love to have your top 10 (or 5) list of questions/topics you would like discussed at this event.

Please forward them at your convenience....and please include any songs other than Kum-by-ya that we can all sing around the black bear statue.

Thanks...gary

Gary Lamb  
Assistant Town Planner  
Kennebunk, ME 04043  
207-985-4601, ext. 1341  
glamb@kennebunk.maine.org

## Comprehensive Planning Random Thoughts

Small, rural, out-of-the mainstream communities (especially those in the north and west) don't have the resources, expertise or, perhaps most importantly, the perceived need for much of what is demanded in a Comprehensive Plan. They rightfully ask, "What are we going to gain from all the time, effort and cost expended?"

I believe there should be a multi-tiered approach to the Comprehensive Planning process and the expected results. One size does not fit all.

Larger communities, some with decaying or at least struggling downtowns, many with hopelessly tangled highway patterns and many with obvious existing sprawl or environmental issues have the most to gain from a truly comprehensive planning process. (They also have the most to lose if they fail to make needed changes that would enhance their communities going forward.) For them, a well structured, thorough visioning and planning process is both necessary and productive.

At the opposite end of the spectrum are the small, very rural towns that may not even have a town center, unless you count a crossroads with a gas station, Mom & Pop convenience store and perhaps one or two other businesses as a town center. Sprawl is not a problem, nor are any negative impacts on the environment due to out of control expansion, reconstruction or other activity. All a community of this type needs are some very generic guidelines they can follow if new construction or other projects are being contemplated. Generic zoning ordinances, shoreline zoning ordinance and so forth also would make sense for these communities. As long as the Town Manager/Town Clerk/First Selectman had a manual to consult, there really need not be a large volume of material created in a comprehensive planning process. These communities struggle to keep roads clear and paved, and they don't need to pay some expert to develop something they don't really need.

On a statewide scale, it would be more cost effective for SPO, in concert with representatives of rural Maine's small communities, to develop a boilerplate Comp Plan and Generic Ordinance package for use by these small towns. A town's responsibility would be to fill in a short form where they would designate that which is unique to them. For example, any designated growth area or a protected area. Such an approach would reduce the workload at SPO and, frankly, endear you to a whole lot of small towns.

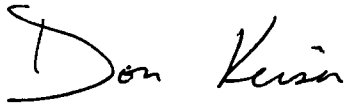
In between the two extremes are, of course, those communities that are a little larger and which may be growing or may want to grow. This is where there may be growth issues that should be addressed and where vision needs to be brought into play. These communities need to go through the process at some depth and with the assistance of SPO and other agencies in order that they 1) don't repeat mistakes of the past, either theirs or those of others, 2) take into account changes in the laws and regulations that will affect future growth, and 3) reflect a reasoned approach to growth versus individual freedoms.

How we decide who fits into which category will be problematic, since there will be those who feel they belong in a lower category (thus saving them time and money.) Perhaps SPO, again in concert with representatives of a cross section of communities, could develop a checklist or evaluation to assist communities and SPO in determining the depth and degree of complexity to which the Comprehensive Planning process should go. I repeat: one size does not fit all.

One other point: With increasing emphasis on regional approaches to problem-solving and solutions, SPO may have to take into account the potential for conflicts arising out of such regionalism. A proactive approach that develops some guidance before these problems surface may reduce the need for drawn out arguments later on.

Finally, I would urge SPO to press the legislature to modify the law to permit more flexibility along the lines noted above with the goal of making overall planning more efficient and achievable without extraordinary cost to those who can least afford it.

Thank you.

A handwritten signature in cursive script that reads "Don Kaiser".

Don Kaiser - Flouffon